

## Meeting Information

Date: 3/7/22

Location: Online - Zoom

Time: 7:00PM

Note Taker: Rachel Carballo Meeting Type: Burkittsville Planning and Zoning

Attendees: Jayme Marshall, Kevin Cromer, Rachel Carballo, Jillian Savage, Paul Goldstein, Jamee Robinson, Larry Hefner

## Agenda Items, Decisions, and Details

Meeting called to order at 7:20pm

Kevin has an addition to the agenda:

Motion to approve the minutes made by Jillian and seconded by Kevin.

Workshop minutes were tabled, they do not require approval. Jamee shared the workshop information with Kelly.

## Zoning Administrator Report: Paul Goldstein

Paul Goldstein – commissioners will receive copies of the SMC application. They can reach out to Paul with any questions they have.

## Executive Session: Larry Hefner

Larry – Refrain from discussing a specific application at this time – there is an open meetings act for MD that is online. Under sections 3-301 and 501. Special exception for legal advice, an agency, etc, seeks legal advice, but it does not allow for closed discussion merely because it has legal ramifications.

Under section 9.18 and 18.14 p&Z can approve disapprove the preliminary plat, or approve it with modifications or under certain conditions. 18.15 the adjoining property owners have to be notified by mail 15 days prior to the meeting and advertised 15 days prior to the meeting in Frederick County.

First staff gives their report, in writing, often shared in advance with applicant, you can require people to sign up in advance and allow certain time slots. The applicant can have a chance to speak, as well.

We could table deciding if we require additional information to decide, but we would have to repeat the 15 day notices. We have to share with the applicant what information we need to decide.

If the applicant feels we have not afforded them due process, they could appeal to the circuit court. Commissioners must comment or ask questions in the open meeting. Commissioners may only go to executive session if we have a specific legal question.

Developer is responsible for paying the cost and showing that it complies with these sections that require an engineer's report.

This plat is a preliminary plat, we can request certain changes and we can refer to the county for approval, if part of the property is outside of Burkittsville.

The application is only asking for the subdivision of the house.

There is a specific section about street names. We need to see, if it addresses street numbering.

Address numbering must be run by the fire department and post office.

Commissioners can't make a decision based on personal opinions; we must follow the ordinances.

The April meeting will be in-person at SMHS.

We do not have to swear people in, but the session must be recorded on zoom, or with some sort of a recording device that is available to the applicant/developer, so they can create a transcript of the meeting for an appeal.

Larry is willing to attend the April meeting. Notice should give instructions on how to register for the meeting. 5 minutes is reasonable.

The Master plan/Comprehensive plan indicated that Burkittsville is not expecting any annexations in the future. The Master plan should be referred to when making decisions. Commissioners should review it prior to the meeting.

If P&Z desired it, in which a specific case could be discussed, without a decision being made, open to the public. It is allowed, but it must be advertised to members of the public.

Commissioners can reach out to Larry with legal questions that are not specific to cases. It has to be specific question, like: this section says this, if we do this, will it comply? Commissioners can email Larry or ask questions through Paul.

The conditions must be laid out before we approve the preliminary plat.

Paul will write a staff report where he suggests conditions and before we vote, we can decide if the conditions are appropriate. The conditions must be in line with the ordinances.

If the applicant rejects the conditions, they can appeal to the circuit court. We can approve the prelim. Plat if they agree to all conditions and they can submit the final plat with those conditions. If they don't agree, we will need the second meeting.

If P&Z felt it is necessary to push back the decision to May, it would be appropriate.

If we deny an application or imposing a condition, we would be on sounder ground by saying this is an ordinance that you're not obeying and this is in the spirit of the comprehensive plan.

Open meetings act/sunshine – everything in MD government bodies should be transparent.

During the meeting we must adhere strictly to Robert's rules.

Paul will communicate to South Mountain Creamery that P&Z would like to wait until May to decide.

P&Z will review the packet for substance and getting the process organized and that the hearing is run as effectively as possible. We will also review Paul's report prior to the hearing.

Jamee Robinson needs to be oriented to the SMC application.

Paul will ask Larry if P&Z could collaborate to create a list of questions on the SMC application.

#### Additional Information

Discussion of the chicken ordinance was postponed.

Next P&Z Meeting: Monday, April 4, 2022 we will pick up on the agenda where we left off

May 2, 2022 at SMHS at 6pm – South Mountain Creamery Hearing

Jillian motioned to adjourn and Rachel seconded.

